

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                        |   |                           |
|------------------------|---|---------------------------|
| MARY E. LENTZ,         | ) |                           |
|                        | ) | Cause No. 1:01-cv-599-MHW |
| Plaintiff,             | ) |                           |
|                        | ) |                           |
| v.                     | ) |                           |
|                        | ) |                           |
| CINCINNATI INSURANCE   | ) |                           |
| COMPANY, <i>et al.</i> | ) |                           |
|                        | ) |                           |
| Defendants.            | ) |                           |

**PLAINTIFF'S MOTION TO QUASH NON-PARTY SUBPOENA**

Comes now the Plaintiff, by counsel, and moves the Court to quash Defendants' recently issued Non-party request for production and subpoena in this case, and would show the Court as follows:

1. On May 9, 2005 Defendants served a non-party subpoena in this case.
2. Defendants did not provide prior notice to Plaintiff before the issuance of this subpoena.
3. Defendants also issued this subpoena after the close of discovery in this case.
4. Defendants failed to provide a reasonable time in which the non-party can respond to Defendants' request.
5. Defendants' subpoena does not comply with the requirements of the Federal Rules of Civil procedure or applicable law, and thus should be quashed by this Court.

WHEREFORE, Plaintiff, by counsel, hereby respectfully requests this Court quash the recently issued subpoena by Defendants to a non-party, and for all other relief just and proper in the premises.

Respectfully Submitted,

s/[Michael K. Sutherlin]  
Michael K. Sutherlin  
Attorney for Plaintiff

s/[Lynn D. Pundzak]  
Lynn D. Pundzak  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of May 2005, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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